IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 8557 OF 2006

Suresh Engineering Co.Pvt. Ltd.... Petitioner

versus

Municipal Corporation of Gr.Mumbai..... Respondent.

Shri S.U. Kamdar Sr. Adv. with Bipin Joshi for the petitioner.
Ms. Nisha Dabhade for the respondent.

CORAM; A.P. DESHPANDE, J.
DATED; 13TH AUGUST, 2007

P.C.;

1. Rule. Rule made returnable forthwith. Taken up for final hearing by consent of parties.

2. By the present writ petition an order dated 7-9-2006 passed by the Addl. Chief Judge is challenged. The respondent Corporation has served the petitioner with notice of revision in the ratable value and the same was objected by the petitioner. Municipal Appeal came to be filed before the trial court. The trial court has observed in the impugned order that the respondent Corporation filed its computation report and the appellant has failed to file any affidavit touching the computation report. Thus the trial court proceeded to pass an order under section 217 (2)(d) of the Municipal Act, directing the

petitioner to deposit a sum of Rs.8,66,642/-. The order further observes that failure on the part of the appellant to deposit the amount as directed, would result in dismissal of the appeal.

3. The learned counsel for the petitioner in all fiarness submits that the petitioner will deposit the said amount of Rs.8,66,642/- within a period of three weeks from today. I am informed that the appeal has not been yet decided on account of pendency of the writ petition. In the result the writ petition is partly allowed. On depositing the sum of Rs.8,66,642/- by the petitioner with the Corporation within a period of three weeks from today the trial court shall proceed to decide the appeal on merit. Rule made absolute in the above terms. No order as to costs.

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